

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

In re: Sealed Case

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Case No. 23-3001

**JOINT MOTION TO MAINTAIN
SEALED NOTICE OF APPEAL UNDER SEAL**

The United States respectfully moves this Court to maintain the Sealed Notice of Appeal, entered on the Court’s docket on January 4, 2023, under seal. In support of this motion, the government states the following:

1. On December 28, 2022, the district court entered an order and accompanying opinion directing Representative Scott Perry to disclose certain documents that the government had seized from Rep. Perry pursuant to a warrant. *See* Joint Appendix (J.A.) 144-88 (order); J.A. 189-239 (opinion). Rep. Perry filed a two-page notice of appeal in the district court on December 30, 2022. J.A. 240-41 (notice of appeal).

2. After this Court issued an opinion in this appeal, it entered an order directing the parties to show cause “why the sealed portions of the record of this case, excepting appellant’s *ex parte* supplement, should not be unsealed.” The Court “strongly encouraged” the parties to “submit a joint response.” The Court also directed the parties to provide explanations for proposed redactions.

3. The parties complied with that order in a joint submission on October 6, 2023, identifying specific documents that the parties believed should remain under seal in whole or in part. At the time, the parties did not request sealing or redaction of the document entitled “Sealed Notice of Appeal,” which they believed comprised only the two-page notice filed by Rep. Perry in district court on December 30, 2022. The parties subsequently learned that in addition to the notice of appeal, the Sealed Notice of Appeal also contained the district court docket and the order and opinion issued by the district court on December 28, 2022.

4. The parties now request that the Sealed Notice of Appeal remain under seal, except for the two-page notice of appeal filed by Rep. Perry in the district court. The district court’s docket remains under seal in the district court and therefore should remain under seal in this Court. And the district court’s order and opinion are contained in the Joint Appendix and will be made public in redacted form, as approved by this Court.

5. Counsel for Rep. Perry has authorized the government to inform the Court that he joins this request.

Wherefore, the United States respectfully requests that the Court maintain the Sealed Notice of Appeal under seal, except for the two-page notice of appeal filed by Rep. Perry in the district court on December 30, 2022.

Respectfully submitted,

/s/ John M. Pellettieri

John M. Pellettieri

Assistant Special Counsel

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CERTIFICATE OF COMPLIANCE

I hereby certify that this response satisfies the type-volume limitation in Fed. R. App. P. 27(d)(2)(A), because it contains 396 words. The foregoing also complies with the typeface and type-style requirements of Rule 32(a)(5) and Rule 32(a)(6) because it was prepared using Microsoft Office Word in Calisto MT 14-point font, a proportionally spaced typeface.

/s/ John M. Pellettieri
John M. Pellettieri
Assistant Special Counsel

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2023, I electronically filed the foregoing motion with the Clerk of the Court of the U.S. Court of Appeals for the District of Columbia Circuit using the appellate CM/ECF system. I certify that all participants in the case are registered CM/ECF users, and that service will be accomplished by the CM/ECF system.

/s/ John M. Pellettieri

John M. Pellettieri

Assistant Special Counsel